



**THE CITY OF NEW YORK
LAW DEPARTMENT**

100 CHURCH STREET
NEW YORK, N.Y. 10007

MICHAEL A. CARDOZO
Corporation Counsel

MEGHAN A. CAVALIERI
Assistant Corporation Counsel
Tel.: (212) 788-6405
Fax: (212) 788-9776

September 28, 2010

Via ECF

Honorable Steven M. Gold
United States Chief Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Adrian Wright v. City of New York, et al., 10 CV 3220 (KAM)(SMG)

Dear Magistrate Judge Gold:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and attorney for defendant the City of New York. I write with the consent of plaintiff's counsel, Darius Wadia, Esq., to respectfully request: 1) a 30 day enlargement of time from October 5, 2010, until November 4, 2010, within which this office may answer or otherwise respond to the complaint, and 2) a corresponding adjournment of the Initial Conference currently scheduled for October 27, 2010, at 11:00 a.m., until after the City has responded to the complaint. This is the second request made by this office for an enlargement of time in this action.

By way of background, the complaint alleges, *inter alia*, that the plaintiff was falsely arrested/imprisoned and subjected to excessive force and malicious prosecution. In addition to the City of New York plaintiff purports to name Trevor J. Baronette, Khamra Singh and Frank Avila, as defendants. A review of the docket sheet indicates that these officers may have been served. A decision concerning this Office's representation of these officers has not yet been made and accordingly, this request for an extension of time is not made on their behalf. However, given the time involved in determining the representation of a police officer, and in the interest of judicial economy, we would hope that the court may, *sua sponte*, extend the time to answer on behalf of all defendants. Further, assuming plaintiff effected timely service on the officers, the extension should allow time for this office to determine, pursuant to Section 50-k of the New York General Municipal Law, based on a review of the case, whether we may represent them. Since our last request, we have sent plaintiff appropriate releases to obtain records related to plaintiff's claims. Plaintiff has provided an unsealing release pursuant to Crim Pro. Law § 160.50 and we have made requests for plaintiff's records from various agencies.

One of the reasons for this request is that I was recently reassigned to a matter that is currently on trial and is expected to last approximately 3 ½ to 4 weeks. The matter of Alan Newton v. City, et al. 07 CV 6211 (SAS), is before the Hon. Shira A. Scheindlin in the Southern District of New York. Further, we are endeavoring to obtain documents pursuant to plaintiff's Crim Pro. Law §160.50 release to respond to the complaint and make a decision regarding representation.

In view of the foregoing, it is respectfully requested that the Court grant the within request for: 1) a 30 day enlargement of time from October 5, 2010, until November 4, 2010, within which this office may answer or otherwise respond to the complaint, and 2) a corresponding adjournment of the Initial Conference currently scheduled for October 27, 2010, at 11:00 a.m., until after the City has responded to the complaint.

Thank you for your consideration in this regard.

Respectfully submitted,

/s/

Meghan A. Cavalieri
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Via ECF
Darius Wadia, LLC
Attorney for Plaintiff
233 Broadway, Suite 2208
New York, NY 10279